

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHRISTINE MARIE BROOKS,
Plaintiff

v.

NANCY A. BERRYHILL,
*Acting Commissioner of Social
Security,*
Defendant

No. 3:17cv1467

(Judge Munley)

(Magistrate Judge Arbuckle)

FILED
SCRANTON

APR 17 2019

PER

DEPUTY CLERK

ORDER

AND NOW, to wit, this 17th day of April 2019, we have before us for disposition Magistrate Judge William I. Arbuckle's report and recommendation, which proposes that the plaintiff's request for a new administrative decision be granted and the ALJ's decision denying the plaintiff's application for benefits under the Social Security Act be vacated.

No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, we must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the

recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice. Accordingly, it is hereby **ORDERED** as follows:

- 1) The magistrate judge's report and recommendation (Doc. 14) is **ADOPTED**;
- 2) The ALJ's decision denying the plaintiff's application for benefits under the Social Security Act is **VACATED**;
- 3) The Clerk of Court is directed to remand this case to the Commissioner to conduct a new administrative hearing;
- 4) The Clerk of Court is directed to enter judgment in favor of the plaintiff; and
- 5) The Clerk of Court is directed to close this case.

BY THE COURT:


JUDGE JAMES M. MUNLEY
United States District Court